

REMARKS

Applicant thanks the Examiner for the courtesy extended Applicant's attorney during the interview of October 29, 2004. Pursuant to the discussions with the Examiner, the claims have now been rewritten and no new matter has been added by this amendment. During this discussion the Examiner continued to rely upon U.S. Patent Number 5,861,399 to Seed et al. While that patent does describe the use of fish oil, it also requires this use is in combination with a statin. As is well known statins are administered by prescription only and are not available over the counter.

The instant invention however is directed to the use of only over the counter compounds to reduce excessive blood lipid levels. See for example the object at page 3, lines 16-18. Also this feature of the invention is set forth under the heading "Field of the Invention" and at a number of other places in the application. Therefore, by claiming a method of treatment with over the counter medications, statins are not part of this invention, and in using "consisting of" in combination with the "over the counter" limitation it is submitted that the Seed et al. reference is no longer pertinent and its citation should be reconsidered and withdrawn.

The Examiner also requested more specificity in the active ingredients and by this Amendment the descriptions in the Specification at for example page 7, have been adopted. The new claims are fully supported by this description.

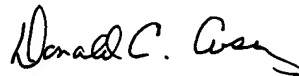
Furthermore, the Examiner has questioned whether the niacin ingredient is flush free or not and by this Amendment that limitation has been specified. Support for this amendment is found for example at page 5, lines 6-14.

In each instance however the commercial source for the preferred ingredients is also identified.

It should be noted that the presence of any prescription drug in Applicant's method of treatment is specifically excluded by the requirement that the constituents of this method of treatment are over the counter medications. Furthermore, while functional language is called for in the concentration of the medications, examples of preferred embodiments in specific concentrations and the source thereof is fully documented in the instant specification. Accordingly Applicant considers that the functional language is proper in this instance as the patent application will teach the method of treatment to one of ordinary skill in the art.

Accordingly Applicant considers this case in condition for Allowance and an early notice thereof is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald C. Casey".

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